THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.20541 of 2007

Dated:28.09.2007

Between:

K. Ashok Rao. .. Petitioner

And

Special Court for Cases under A.P. Land Grabbing (Prohibition) Act, rep. by its Registrar, B.R.K.R. Bhavan, Hyderabad, and others.

.. Respondents

THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.20541 of 2007

ORDER (Per Hon'ble Sri Justice B.Prakash Rao):

Heard Sri V.Venkataramana, learned counsel appearing for the petitioner, and also the learned Government Pleader for Assignment appearing for the respondents, and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein, who is respondent No.2 in L.G.C.No.13 of 2004 on the file of the Special Court under A.P.Land Grabbing (Prohibition) Act at Hyderabad-the respondent No.1 herein, filed this writ petition *inter alia* for a writ of Mandamus seeking directions to the respondents to act in accordance with law and forbear from interfering with the land which is in his possession and enjoyment and also the other plot owners, who are party respondents in the said L.G.C., in respect of the land in Sy.No.5/3 of Raidurg Panmaqtha Village, Serilingampally Mandal, Ranga Reddy District (claimed as land in Sy.No.5 of Raidurg Panmaqtha in L.G.C.No.13 of 2004) pending decision of the said L.G.C. and further direct the respondents 2 to 4 from dispossessing or demolishing the persons and structures in the said land without following due process of law and without providing an opportunity of contest on the invalidating factors relating to title and possession over the said land and to pass such suitable order.

The case of the petitioner is that the State of A.P. represented by the Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, Ranga Reddy District filed the said L.G.C. seeking a declaration that the petitioner herein and other plot owners are the land grabbers and they are liable to be evicted. Pending the said L.G.C., the State of A.P. Rep. by the Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, Ranga Reddy District also filed an application in IA.No.353 of 2004 under Order XXXIX Rules 1 and 2 of CPC seeking direction to the petitioner herein and other plot owners not to make any constructions in the application schedule land pending disposal of the said LGC, and after hearing both sides, the said application was finally disposed of with the following effect:

> "This is a petition filed under Order 39 Rules 1 & 2 by learned Government Pleader praying this Court to direct the respondents not to make any constructions and not to make alienations while the L.G.C. is pending. Any alienations made or any constructions made in the schedule property is subject to the result of the L.G.C. Petition is closed accordingly."

The learned counsel appearing for the respondents herein strenuously contended that having regard to the orders passed in the said I.A., the petitioner and other plot owners, who are arrayed as respondents in the said IA, are bound by the said order, wherein they were directed not to make any constructions and not to make alienations while the L.G.C. is pending, and any alienations made or any constructions made in the schedule property is subject to the result of the L.G.C.

However, it is pointed out in the affidavit filed in support of the writ petition that for the last couple of days or so, the Mandal Revenue Officer, the 2nd respondent herein, and other revenue authorities are entering into the schedule property, which is in possession of the petitioner and other plot owners, and they are trying to interfere with the same and also resorting to high handed action of demolition and dispossession against the petitioner and other plot owners in respect of the constructions made therein, hence the writ petition.

Heard both the counsel and perused the material.

It is quite evident that the petitioner herein and other respondents in the said LGC are admittedly in possession of the schedule property, and pending disposal of the LGC, the application filed in I.A.No.353 of 2004 was ultimately disposed of with directions to the petitioner herein and other plot owners not to make constructions and alienations while the LGC is pending, and any alienations made or any construction made in the schedule property is subject to the result of the LGC.

Having heard, it is not open for any of the authorities or Officers on behalf of the respondents herein to enter into upon the schedule property, which is in possession and enjoyment of the petitioner and other plot owners, or to interfere with any constructions made therein. As per the directions passed in I.A.No.353 of 2004, it is evident that any constructions as are made earlier or existing or being made is subject to the result of the main LGC. Therefore, there is absolutely no justification on the part of the authorities or Officers on behalf of the respondents herein to enter into upon the schedule property, which is in possession of the petitioner and other plot owners, or to interfere

with any constructions made therein.

In the result, the writ petition is disposed of and the respondents are directed not to interfere with the possession and enjoyment of the petitioner's property and in respect of any structures in the said property, pending disposal of the LGC.

The Court below shall dispose of the said LGC within a period of three months from the date of receipt of a copy of this order. No costs.

_

_

_

_____

B.PRAKASH RAO, J.

_____

G.BHAVANI PRASAD, J.

_

Dt.28.09.2007

v v